

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
UNITED STATES OF AMERICA

-v.-

SHAKEIL CHANDLER

*Defendant.*  
----- X

:  
:  
: 1:19-cr-867 (PAC)  
:  
:

: **ORDER**  
:  
:

Defendant Shakeil Chandler is charged with being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), and 2. Indictment 1, ECF No. 6. Chandler’s trial is scheduled to commence on May 12, 2021. He now moves to stay those proceedings and seek alternative remedies to vindicate his right to a petit jury selected from a fair cross-section of the community, arguing that the Southern District’s jury selection plan (the “Jury Plan”) systematically excludes African Americans and Hispanic Americans in violation of the Sixth Amendment and the Jury Selection and Service Act of 1968 (“JSSA”), 28 U.S.C. § 1861 *et seq.* Mem. in Supp. of Mot. to Stay 1–2, ECF No. 59. Chandler further argues that the COVID-19 pandemic has worsened these groups’ underrepresentation, and that the Jury Plan’s practice of excluding “inactive” voters from the jury pool is a substantial violation of the JSSA. *Id.* at 15–19. Chandler represents that he “understands that the Court has ruled against this motion in other cases but respectfully disagrees.” *Id.* at 2.

The Court has already ruled against this exact same motion—brought on identical grounds and supported by identical exhibits, caselaw, and arguments—just over one month ago in *United States v. Tagliaferro*, No. 19-CR-472 (PAC), 2021 WL 1172502, at \*1 (S.D.N.Y. Mar. 29, 2021). Except for a few minor alterations and excisions, Chandler’s memorandum of law is

identical to Tagliaferro's.<sup>1</sup> *Compare Tagliaferro*, No. 19-CR-472, ECF No. 130 *with Chandler*, 19-cr-867, ECF No. 59. Chandler does not include a single statistic, case, or argument that differs from Tagliaferro's brief. This disagreement with the Court's prior ruling does not provide a persuasive reason for the Court to revisit its prior decision.

As a matter of fact, the Jury Plan is successfully producing representative juries. Tagliaferro's impaneled jury consisted of three Hispanic American women, one Asian woman, one African American woman, six white women, and one African American man.<sup>2</sup> The four alternates were one "Multi-Race" woman, two white women, and one white man. The Jury Plan will ensure that Chandler likewise has the "representative jury array [which] remains the expression of the community's role in securing" his "ancient right, enshrined in the Magna Carta and the Constitution, to a trial by jury of [his] peers." *Alston v. Manson*, 791 F.2d 255, 256 (2d Cir. 1986).

---


<sup>1</sup> Chandler also includes a footnote and accompanying text arguing that the underrepresentation "is particularly troubling given the disproportionately negative outcomes Black and Latino people face in the criminal justice system." Mem. in Supp. of Mot. to Stay 8-9 & n.2, ECF No. 59. This is the only substantive change in the memo, and it does nothing to affect the Court's inquiry under *Duren v. Missouri*, 439 U.S. 357, 364 (1979).

<sup>2</sup> The jurors (and alternates) self-reported these racial/ethnic identities to the Jury Department. The Court has the information on file, but will not disclose the documents publicly because, to the extent that the public arguably has a right of access to the documents, that right is outweighed by the jurors' right to privacy. *See United States v. Bruno*, 700 F. Supp. 2d 175, 183 & n.8, 184-185 (N.D.N.Y. 2010).

Therefore, for the reasons contained in *Tagliaferro*, 2021 WL 1172502, at \*1–5, Chandler’s motion is DENIED. The Clerk of Court is directed to close the motions at ECF numbers 56 and 59.

Dated: New York, New York  
May 5, 2021

SO ORDERED

A handwritten signature in cursive script, appearing to read "Paul A. Crotty", is written above a horizontal line.

HONORABLE PAUL A. CROTTY  
United States District Judge